



23 MAR 2007

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JASON MAGID
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In re Application of CRUDO et al
U.S. Application No.: 10/531,628
PCT Application No.: PCT/US2003/033386
Int. Filing Date: 21 October 2003
Priority Date Claimed: 21 October 2002
For: STANDARDIZED BINDING ELEMENTS

Dear Jason Magid:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Bryan Lin

Bryan Lin
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Attorney Docket No.: 017673-9042-01 (235128)



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In re Application of CRUDO et al :
U.S. Application No.: 10/531,628 :
PCT Application No.: PCT/US2003/033386 : DECISION
Int. Filing Date: 21 October 2003 :
Priority Date Claimed: 21 October 2002 :
Attorney Docket No.: 017673-9042-01 (235128) :
For: STANDARDIZED BINDING ELEMENTS :

This is in response to applicant's "Renewed Petitions Under 37 C.F.R. § 1.137(b) and 37 C.F.R. §1.47(a)" filed 08 March 2007.

BACKGROUND

On 21 October 2003, applicant filed international application PCT/US2003/033386, which claimed priority of an earlier United States application filed 21 October 2002. The thirty-month period for paying the basic national fee in the United States expired on 21 April 2005.

On 14 April 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 September 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

International application PCT/US2003/033386 became abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements.

On 18 December 2006, applicant filed petitions under 37 CFR 1.137(b) and 37 CFR 1.47(a).

On 27 February 2007, this Office mailed a decision dismissing the 18 December 2006 petitions.

On 08 March 2007, applicant filed the present renewed petitions under 37 CFR 1.137(b) and 37 CFR 1.47(a).

DISCUSSION

I. Petition Under 37 CFR 1.137(b)

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

Applicant has previously satisfied items (2), (3), and (4) above.

With regard to item (1), applicant has provided the required reply with the renewed petition.

II. Petition Under 37 CFR 1.47(a)

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Applicant has previously satisfied items (2), (3), and (4) above.

With regard to item (1) above, the declarations submitted with the renewed petition are proper.

CONCLUSION

For the reasons set forth in §I above, the renewed petition under 37 CFR 1.137(b) is GRANTED.

For the reasons set forth in §II above, the renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 21 October 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 08 March 2007.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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